

10166.6 Proposed Notice and Related Order Provisions

Certain specific issues relative to notices proposed in formal settlement stipulations are addressed below.

(a) *Notice Content*: The notice should:

- Be directed to the appropriate group and on the appropriate notice form (“Employees” or “Employees and Members”). Sec. 10132.2.
- Mirror the provisions of the proposed order
- Conform to those normally issued by the Board in contested cases
- Be written in clear layperson’s language, *Ishikawa Gasket America, Inc.*, 337 NLRB 175 (2001)
- Set forth a statement of rights under Section 7 of the Act, a statement describing the function of the Board and its processes, and the contact information for the Regional Office and the Board website, *Ishikawa Gasket America, Inc.*, supra
- Set forth the appropriate language for statutory priority cases. Secs. 10202–10222.

(b) *Notice Posting/Mailing/Publication/Reading*: The proposed order should:

- Set forth any specific details concerning the traditional posting/electronic posting/mailling/publication/reading of the notice, such as any required translation; exact posting sites; method, verification and recipients of all mailing; any required newspaper publication; and any required notice reading and by whom. Sec. 10132.4.
- Provide that if respondent goes out of business or closes the involved facility, the notice should be mailed to employees employed by it at any time since the date of the first unfair labor practice. *Excel Container, Inc.*, 325 NLRB 17 (1997).
- If the settlement involves a charge against a union, require the union to submit signed copies of the notice to the Regional Director for forwarding to the employer for posting. Secs. 10132.4 and 10170 at VI (2)(f); *Electrical Workers Local 3 (M. F. Electrical Service Co.)*, 325 NLRB 527 (1998).
- Specify the time period for the notice posting, which should be for 60 days unless prior clearance has been obtained from the Division of Advice. Secs. 10132.1, 10168, Pattern 60 at VI (2)(i) and 10170 at VI (2)(e).

10166.7 Consent to Board Order

Within the formal settlement stipulation, the parties must consent to the entry of a Board order without further notice. The terms of the order must be specific and, since the Board must act in conformity with the formal settlement stipulation, the language should

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follow the substance of Board orders in comparable cases. It is permissible, when appropriate, to substitute “shall not” for “shall cease and desist from,” with corresponding grammatical changes.

10166.8 Consent to Court Judgment

The standard provision for the Consent to Court Judgment set forth at Sec. 10168, Pattern 60 at VII is self-explanatory and is applicable to all other types of unfair labor practice cases.